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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
SACRAMENTO DIVISION

MARINA AVXENTIEVA, } CIVIL NO. 2:20-cv-02398-KJN
Plaintiff, }
v. } STIPULATION TO VOLUNTARY
KILOLO KIJAKAZI¹, } REMAND PURSUANT TO SENTENCE
Commissioner of Social Security, } FOUR OF 42 U.S.C. § 405(g) AND TO
Defendant. } ENTRY OF JUDGMENT; ~~PROPOSED~~
{ ORDER

IT IS STIPULATED by and between Plaintiff (“Plaintiff”) and Defendant Kilolo Kijakazi, Acting Commissioner of Social Security (“Defendant”), through their undersigned counsel of record, that the above-entitled action shall be remanded to the Commissioner of Social Security for further administrative proceedings.

¹ Kilolo Kijakazi became the Acting Commissioner of Social Security on July 9, 2021. Pursuant to Rule 25(d) of the Federal Rules of Civil Procedure, Kilolo Kijakazi should be substituted, therefore, for Andrew Saul as the defendant in this suit. No further action need to be taken to continue this suit by reason of the last sentence of section 205(g) of the Social Security Act, 42 U.S.C. § 405(g).

1 Upon remand, the Appeals Council will instruct the Administrative Law Judge to do the
2 following: evaluate Plaintiff's anxiety under Section 12.06; re-evaluate Plaintiff's manipulative
3 residual functional capacity; re-evaluate the opinion evidence in accordance with 20 C.F.R. §
4 416.920(c); obtain supplemental vocational expert testimony; take any further action needed to
5 complete the administrative record; give the claimant an opportunity for a hearing; and issue a
6 new decision.

7 This stipulation constitutes a remand under the fourth sentence of Section 205(g) of the
8 Social Security Act, 42 U.S.C. 405(g). The parties further request that the Court direct the Clerk
9 of the Court to enter a final judgment in favor of Plaintiff, and against Defendant, reversing the
10 final decision of the Commissioner.

11 Dated: August 26, 2021

/s/ Jesse S. Kaplan*

JESSE S. KAPLAN

Attorney for Plaintiff

*Authorized via e-mail on Aug. 26, 2021

15 PHILLIP A. TALBERT
16 Acting United States Attorney
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By: /s/ Ellinor R. Coder

ELLINOR R. CODER

Special Assistant United States Attorney

21 Attorneys for Defendant

ORDER

2 Based upon the parties' Stipulation to Voluntary Remand Pursuant to Sentence Four of
3 42 U.S.C. § 405(g) and to Entry of Judgment, and for cause shown, IT IS ORDERED that the
4 above-captioned action is remanded to the Commissioner of Social Security for further
5 proceedings pursuant to the Social Security Act § 205(g), as amended, 42 U.S.C. § 405(g),
6 sentence four. On remand, the Appeals Council will remand the case to an administrative law
7 judge for a new decision in accordance with the parties' Stipulation.

9 | Dated: August 30, 2021

Kendall J. Newman
KENDALL J. NEWMAN
UNITED STATES MAGISTRATE JUDGE